

***DECLARATION OF WILLIAM PALMER***

1. I, William Palmer, hereby declare that my residence and mailing address are 5846 South Holladay Boulevard, Salt Lake City, Utah 84121, I am a United States citizen over the age of 21 years, and my wife and I own a home re-roofed using concrete tiles produced by Bartile in accordance with the systems and methods disclosed and claimed in claims 1-14 and 17-62 of U.S. Patent Application Serial No. 10/725,991 (the '991 application), filed December 2, 2003 and entitled AGED ROOFING TILE SYSTEM.

2. Our home is the one in the Bartile advertisement brochures and magazines with the five-gaited horse (weathervane) on top of a cupola, and we are very happy and satisfied with the tile manufactured by Bartile in accordance with the above-referenced claims of the '991 patent application.

3. Our home had a roof of thick, split, wooden shakes that had aged for three decades, gathering in that time an extensive and random pattern including at least two different and distinct colors of moss and at least three different and distinct colors of lichen colonies. Like many others with houses built of classic materials in classic styles, we loved the unique, aged appearance our original roof had obtained through decades of weathering and aging. We had for many years loved exactly what we had in those thick, split-wood shakes with their accumulated years of moss growing in different shades of green, among multi-colored colonies of lichen.

4. For a long time, we realized we needed a new roof, but desiring to keep the aged look our roof already had, we were unsatisfied with other roofing materials. We could not achieve the aged look with conventional solutions, which only partially addressed the problem.

5. In looking at other roofs and in discussions with other homeowners similarly situated, our need could not be satisfied by using classic tile, concrete tile of traditional or classic color schemes, or even with the same thick, split, wooden shakes originally chosen for the house, because no roofing product could match the pleasant, distinguished, aging of the old wooden shakes with their assortment of moss and lichens. Even a shake roof could not replicate the aged look without more decades of service. Nevertheless, we were having to consider it again because the look we needed was not being satisfied by any product, process, or manufacturer including tile, or other products.

6. As we considered our available choices, neighbors suggested Bartile products they had used, some of which had multiple colors of base material, but such tiles did not give the look of our aged roof, nor did any solution available from other manufacturers and designers. Many

houses in our neighborhood used those solutions, which really did not satisfy the need for an aged look such as we already had.

7. After searching roofing products to find something that gave the appearance of my aged, moss-and-lichen accented, shake roof, I spoke to a representative of Bartile who identified a new product from Bartile made in accordance with claims 1-14 and 17-62 of the '991 application.

8. Bartile agreed to see what it could do to manufacture a tile that would, right from the manufacturer, match the unique appearance of our aged, original roof. The samples of the new tile had more of the look we sought, especially as pictured on actual houses. We tentatively selected a design we thought would probably work, but which needed more of the coloring of the old mosses and lichen of our old roof. Bartile took an assortment of several sample shakes from our old roof and indicated that they believed they could meet our need and match the look.

9. Bartile developed a custom color, pattern, and overall appearance that matched the look of our old roof, a look that was not possible to duplicate in other technologies available from other suppliers or manufacturers of roofing products. As recited in the patent claims 1-14 and 17-62, we selected a base color, selected an accent color scheme as well as a base color scheme, and Bartile prepared some sample tiles using a substrate tile, applied uncured medallions of cement material as accents colored in the accent color scheme distributed randomly along the width of the tiles, and cured the tiles in their factory.. The samples looked very good, having the color scheme of our old shakes, so we decided to go with this new tile and approved the samples. Bartile completed the tiles, which were then installed on our roof.

10. Having seen many tiles, shingles, roofs, shakes, and the like in over eight decades of life, we can say after a personal search to satisfy our own long-felt need for the tile of claims 1-14 and 17-62, we are personal examples of the tile's satisfaction of that need unmet by any other supplier or manufacturer.

11. Moreover, the commercial success of the tile as well as its satisfaction of a persistent, long-felt, unmet need is demonstrated not only by experiences such as ours, but by the comments of neighbors and random passersby. For the first time ever in my life, I have repeatedly been visited by people stopping at my house, ringing the doorbell and saying how much they love our roof and asking where we got it. They see other shake or tile roofs in our neighborhood, but when they see our roof they love it, recognizing that it truly meets the need for a manufactured, "aged" tile as other solutions do not. Many neighbors seeking to obtain an aged look, installed decades ago their tile roofs, some of multiple colors, some even when we installed our first (shake) roof. Today, those owners recognize that the tile on our house is the only type to actually satisfy the need for the look of a very old, aged roofing material.

12. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at Salt Lake City, Utah this 27<sup>th</sup> day of December, 2008.

  
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William Palmer